

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 30, 2008. At the time of the Office Action, Claims 19-36 were pending in this Application. Claims 19-36 were rejected. Claims 1-18 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. § 102**

Claims 19-20, 22-29 and 31-36 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Applicants' Admitted Prior Art ("*AAPA*"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the art cited as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

The Examiner stated that *AAPA* discloses all the steps of the independent claims 19 and 28. Applicant respectfully disagrees.

The prior art has been described in detail with respect to Figures 1 and 2. From this description, it is clear that two separate calls have to be set up. The first call is setup in step M0 (Fig. 1) whereas the subsequent call is setup with step M0' (Fig. 2). Moreover, according to *AAPA*, clearly indicates that during the first session the call is terminated through step M4. therefore, a second session cannot be initiated during this first call setup.

However, the present independent claim 19 includes the following limitations:

*setting up a telecommunications call to the service center via a telecommunications device;*

*initiating, by the service center, a first session via the telecommunications call set-up;  
sending, via the telecommunications device and in the first session, a first service message to the service center, receipt of which is acknowledged by the service center;  
initiating, by the telecommunications device and as a result of acknowledgment by the service center, a second session via the telecommunications call set-up;  
sending, by the service center and in the second session, at least one second service message to the telecommunications device, receipt of which is acknowledged by the telecommunications device; and  
releasing, by the service center and as a result of acknowledgement by the telecommunications device, the second session so as to clear down the telecommunications call.*

(Claim 19, emphasis added) Thus, according to independent claim 19, the first as well as the second session are initiated during the same “telecommunications call set-up.” Hence, only a single call setup is necessary according to independent claim 19 whereas *AAPA* clearly requires two separate call setups.

Therefore, *AAPA* does not anticipate the present independent claim 19. Claim 28 includes similar limitations and therefore the same reasoning as presented with respect to claim 19 applies. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §102 or §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

**Association of Customer Number and Change of Correspondence Address**

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **31625**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **31625**. All telephone calls should be directed to Andreas Grubert at 512.322.2545. A Revocation and Power of Attorney is submitted herewith.

### CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,  
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Date: September 2, 2008

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